REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration in view of the following remarks. In this response, Applicant does not add, cancel, or amend any claims. Accordingly, claims 1-21 remain pending.

I. Claims Rejected Under 35 U.S.C. § 112, second paragraph

Claims 1 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees.

The Examiner asserts that the word "flushing" used in claims 1 and 13 is inappropriate and indefinite. The Examiner states that the term "flush" means to destroy data in memory, which the Examiner does not believe is described in the specification. Applicant disagrees with this definition of the term "flush" in the context of claims 1 and 13. The Examiner's definition is inappropriate for use in connection with buffered data. Rather, the term flush is properly understood in this context to mean "to force temporarily buffered data to be written to more permanent memory, e.g., flushing buffer disk I/O to disk." See The Free Online Dictionary of Computing, copyright 1993-2003, Denis Howe. Thus, the term flushing as used in claims 1 and 13 is properly used to indicate that data is being erased or indicated as erased from memory after it is transferred to another medium, for example, being transmitted through an output port. Therefore, the term flush and flushing as used in claims 1 and 13 is not indefinite or inappropriate and particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Accordingly, reconsideration and withdrawal of the indefiniteness rejection of claims 1 and 13 are requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 1-5, and 11-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,495,615 issued to Wilcke (hereinafter "Wilcke"). Applicant respectfully disagrees for the following reasons.

To establish a *prima facie* case of obviousness, the Examiner must show the cited reference, teaches or suggests each of the elements of a claim. In regard to independent claims 1 and 13, these claims include the elements of "flushing the first queue at the start of the cycle," and "a processor . . . to flush another of the egress queues based on the cycle number." The arguments set forth in section 3 of Paper No. 5 by the Examiner do not set forth any explanation or indicate any section of <u>Wilcke</u> that teaches or suggests these elements of claims 1 and 13. In fact, the Examiner admitted in Paper No. 3, Section 3, that <u>Wilcke</u> does not teach flushing a queue.

Further, Applicant disagrees with the Examiner's definition of an isochronous packet. The definition provided by the Examiner is incomplete. The term "isochronous" used in connection with communications is "a form of data transmission that guarantees to provide a certain minimum data rate, as required for time dependent data such as video or audio." See The Free Online Dictionary of Computing, copyright 1993-2003, Denis Howe. The Applicant has reviewed the cited section of <u>Wilcke</u> and has been unable to discern any part therein that teaches or suggests the use of isochronous packets. The use of a central clock signal to read an incoming signal is not equivalent to a data transmission with a guaranteed minimum data rate. Also, the Examiner has failed to provide any motivation for modifying the teachings of <u>Wilcke</u> which the Examiner states "provide an obvious variation of using isochronous packets." See Page 3 of Paper No. 5. Thus, the Examiner has failed to establish that <u>Wilcke</u> teaches or suggests each of the elements of claims 1 and 13. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for claims 1 and 13. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims is requested.

In regard to claims 2-5, 11, 12 and 14-18, these claims depend from independent claims 1 and 13 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to independent claims 1 and 13, these claims are not obvious over <u>Wilcke</u>. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 2-5, 11, 12 and 14-18 are requested.

Claims 9-10 stand rejected under 35 U.S.C. § 103 as being obvious over <u>Wilcke</u> in view of U.S. Patent No. 6,137,807 issued to Rusu, et al. (hereinafter "<u>Rusu</u>"). Applicant respectfully disagrees for the following reasons.

Claims 9 and 10 depend from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 1, these claims are not obvious over <u>Wilcke</u>. Further, the Examiner has not indicated and Applicant has been unable to discern any part of <u>Rusu</u> that teaches or suggests flushing a queue or the use of isochronous packets. Thus, the Examiner has failed to establish a *prima facie* case of obviousness for claims 9 and 10. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 9 and 10 are requested.

III.   <u>Allowable Subject Matter</u>

Applicant notes with appreciation the Examiner's indication that claims 6-8 and 19-21 contain allowable subject matter.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-21 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,
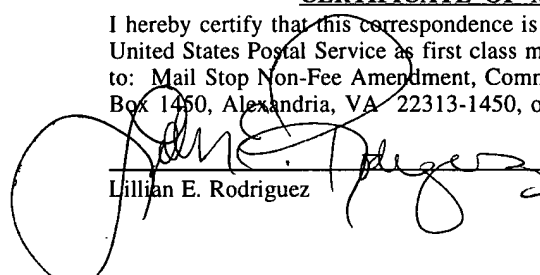
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _____5/24____, 2004

Thomas M. Coester, Reg. No. 39,637

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800